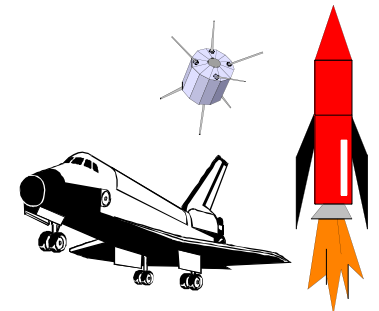




Export Control of Hardware & Technology Presentation

J.R. Hedgpeth, NASA/GSFC Export Administrator, Transportation Officer

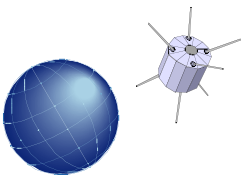


PURPOSE OF EXPORT CONTROL BRIEFING



TO PROVIDE AN OVERVIEW OF THE INTERNATIONAL TRAFFIC
IN ARMS REGULATIONS (ITAR) AND THE EXPORT
ADMINISTRATION REGULATIONS(EAR), AND RELATE
THESE REGULATIONS TO THE MISSION OF GSFC

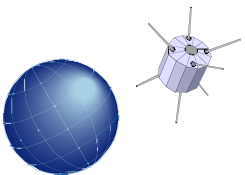
TO ADDRESS SPECIFIC ISSUES AND QUESTIONS OF THE GSFC
ACTIVITIES



PRESENTATION AGENDA



- ◆ INTRODUCTION
- ◆ EXPORT CONTROL PROGRAM
- ◆ QUESTIONS & ANSWERS

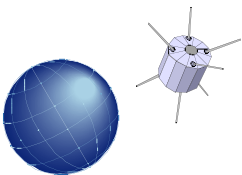


GSFC EXPORT CONTROLS

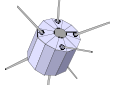
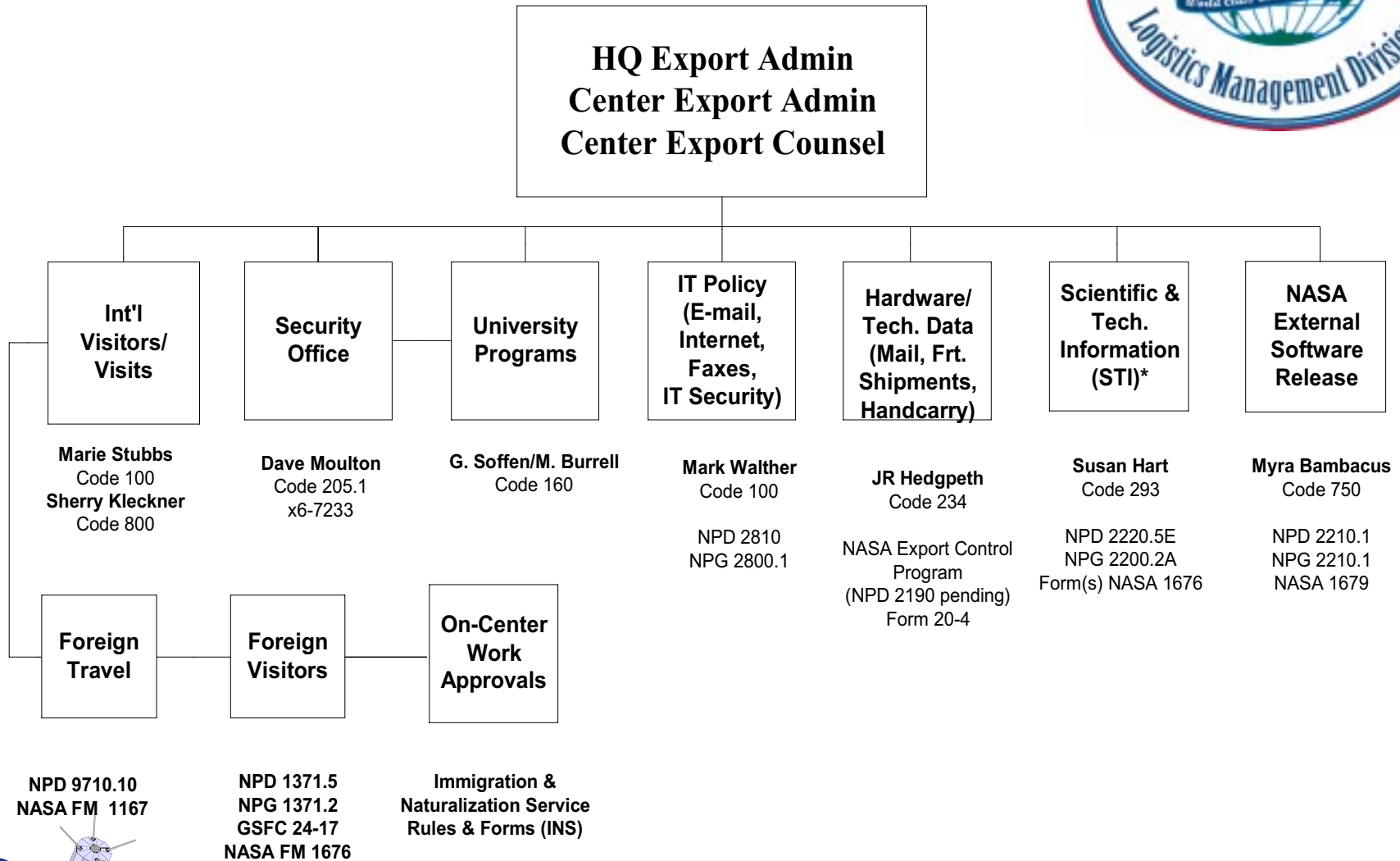


♦ NASA Export Control Program

- Headquarters Export Administrator (HEA), Robert Tucker
- GSFC Center Export Administrator(CEA), J.R. Hedgpeth
- GSFC Center Export Counsel(CEC), Greg Larosa
- GSFC International Program Specialist(s), Jim Frost/Patty Manalansan



FOREIGN RELEASE OF GSFC TECHNOLOGY, INFORMATION & HARDWARE PROCESS OWNERS



*Tech Briefs, Presentations, Journal Articles, Input for Publishing

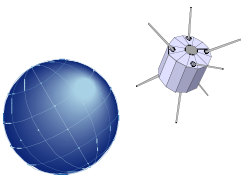
GSFC EXPORT CONTROLS (Continued)



- ◆ Roles & Responsibilities
 - Overview - responsible for assessing & ensuring compliance of all Center program activities with U.S. export control laws and regulations



- ◆ Importance of Briefings & Updates

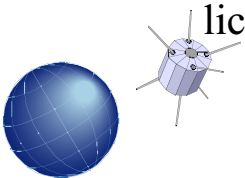


GSFC PROJECT MANAGERS EXPORT RESPONSIBILITIES



ALL NASA FIELD CENTER PROJECT MANAGERS SHALL ENSURE THAT TRANSFERS ARE CONSISTENT WITH HEADQUARTERS PROGRAM OFFICE POLICY & INCLUDE “EXPORT CONTROL MILESTONES” IN THEIR PROGRAM/PROJECT PLANS TO ENSURE THAT EXPORT CONTROL MATTERS ARE CONSIDERED AND RESOLVED IN ADVANCE OF PROSPECTIVE SHIPPING OR TRANSFER DATES. IN ADDITION, ALL NASA PROJECT MANAGERS SHALL, IN CONSULTATION WITH THE CEA, ENSURE THAT THE INTERNATIONAL ACTIVITIES UNDER THEIR DIRECTION INCLUDE:

- ◆ Appropriate safeguards for commodities, technologies, and software exported and transferred pursuant to international agreements;
- ◆ Provisions of necessary technical information to the CEA to permit a sound determination as to the need for validated export licenses or other documentation in specific activities, and for the completion of such documentation, where necessary; and
- ◆ Adequate lead time for the submission, processing, and receipt of validated export licenses, where necessary



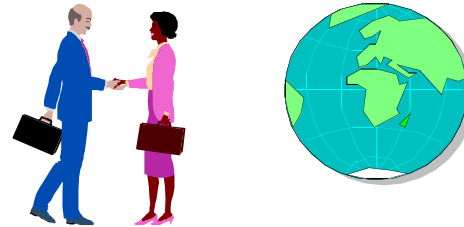
EXPORT DEFINED



♦ What is an “Export”

– A SIMPLIFIED DEFINITION

“The transfer of anything to a “Foreign Person” by any means, anywhere, anytime, or the knowledge that what you are transferring to a “U.S. Person”, will be further transferred to a “Foreign Person”



- **Methods of export include Mail, Fax, E-mail, WWW, FTP, Shipping, Handcarry, Phone, Face-to-Face discussion, other**

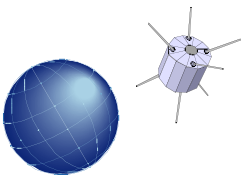
International Traffic in Arms (ITAR) Definition (22 CFR Part 120.17)*

- <http://www.pmdtc.org/itar2.htm>

United States Commerce Department Definition (15 CFR Part 734)*

- http://w3.access.gpo.gov/bxa/ear/ear_data.html

*Discussed in Detail in Handout

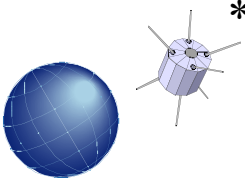


ITAR/USML PRESENTATIONS/ VISITS/CONFERENCES



- ✦ PROVIDING INFORMATION TO A FOREIGN NATIONAL CONSTITUTES AN EXPORT.
- ✦ IF YOUR PROGRAM INVOLVES AN ITAR CONTROLLED TECHNOLOGY, THERE ARE LIMITS TO WHAT MAY BE EXCHANGED
- ✦ SHARING ITAR INFORMATION AND/OR TECHNICAL ASSISTANCE WITH FOREIGN NATIONALS* WORKING AT GSFC IS REFERRED TO AS **DEEMED EXPORTING**

*Applies to non-permanent residents

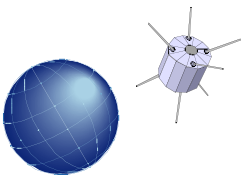


DISSEMINATION OF NASA INFORMATION THROUGH THE INTERNET



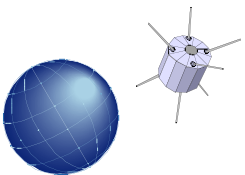
NPG 2800.1, Managing Information Technology ,
Section 2.6 Information Dissemination on the Internet

- ◆ c. Sensitive, confidential, export controlled, copyright protected, or privacy information should not be placed in publicly available directories
- ◆ d. A clear accountability for the accuracy and appropriateness of information to be displayed must be established before any information regarding NASA activities, missions, organizations, publications, is posted on the Internet via NASA “servers” for public access.





Export Control: Back-up Material



Export Definition (ITAR)



♦ What Is An Export?

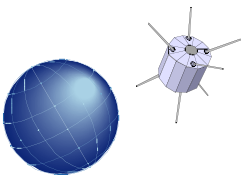
ITAR Definition, (22 CFR Part 120.17)

<http://www.pmdtc.org/Part120.pdf>

“Sending or taking a Defense Article out of the U.S. in any manner, except by mere travel outside of the U.S. by a person whose personal knowledge includes ‘Technical Data’;

or

Transferring registration, control or ownership to a foreign person or any aircraft, vessel or satellite covered by USML, whether in the U.S. or abroad.”



Export Definition (ITAR) (cont.)



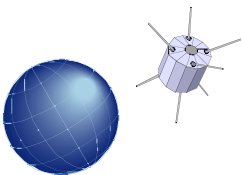
♦ What Is An Export? (ITAR definition continued)

“Disclosing (including oral or visual disclosure) or transferring* in the U.S. any Defense Article to an embassy, any agency or subdivision of a foreign government;

or

Performing a Defense Service on behalf of, or for the benefit of, a foreign person, whether in the U.S. or abroad”

* Special Note: Means of Transfer include Mail, Fax, E-mail, WWW, FTP, Shipping, Handcarry, Phone, Face-to-Face discussion, other



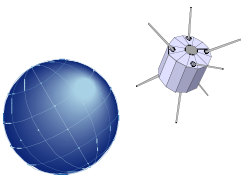
ITAR PUBLIC DOMAIN DEFINITION

22 CFR 120.11

<http://www.pmdtc.org/Part120.pdf>



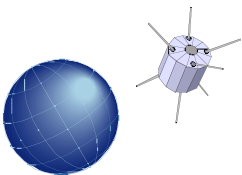
- ◆ Public Domain- information which is published and which is generally accessible or available to the public
 - through sales at news stands and bookstores;
 - through subscriptions which are available without restriction to any individual who desires to obtain or purchase the published information;
 - through second class mailing privileges granted by the U.S. government
 - at libraries open to the public or from which the public can obtain documents;
 - through patents available at any patent office
 - through unlimited distribution at a conference, meeting, seminar, trade show or exhibition, generally accessible to the public, in the United States,



ITAR PUBLIC DOMAIN DEFINITION (Continued)



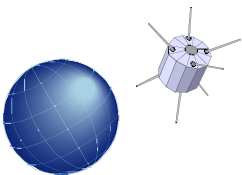
- ◆ through public release (i.e., unlimited distribution in any form (e.g. not necessarily in published form) after approval by the cognizant U.S. government department and agency
- ◆ through fundamental research in science and engineering at accredited institutions of higher learning in the U.S. where the resulting information is ordinarily published and shared broadly in the scientific community
- ◆ Fundamental research is defined to mean basic and applied research in science and engineering where the resulting information is ordinarily published and shared broadly within the scientific community, as distinguished from research the results of which are restricted for proprietary reasons or specific U.S. government access and dissemination controls:



ITAR PUBLIC DOMAIN DEFINITION (Continued)



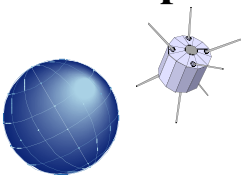
- University research will not be considered “fundamental research” if:
 - the University or its researchers accept other restrictions on publication of scientific and technical information resulting from the project or activity, or
 - the research is funded by the U.S. government and specific access and dissemination controls protecting information resulting from the research are applicable



GSFC STI PUBLIC DISCLOSURE EXPORT CONTROL CHECKLIST



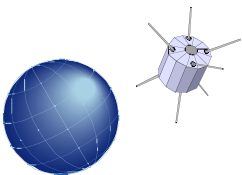
The Export Control Office requests your assistance in assuring that your proposed disclosure of NASA scientific and technical information (STI) complies with the Export Administration Regulations (EAR, 15 CFR 730-774) and the International Traffic in Arms Regulations (ITAR, 22 CFR 120-130). The NASA Export Control Program requires that every domestic and international presentation/publication of GSFC STI be reviewed through the GSFC Export Control Office in accordance with the NASA Form 1676, NASA Scientific and Technical Documents Availability Authorization (DAA) process. Release of NASA information into a public forum may provide countries with interests adverse to the United States with access to NASA technology. Failure to comply with the ITAR regulations and/or the Commerce Department regulations may subject you to fines of up to \$1 million and/or up to 10 years imprisonment per violation. Completion of this checklist should minimize delays in approving most requests for presentation/publication of NASA STI.



GSFC STI PUBLIC DISCLOSURE EXPORT CONTROL CHECKLIST



Generally, the export of information pertaining to the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of defense articles, i.e., space flight hardware, ground tracking systems, launch vehicles to include sounding rockets and meteorological rockets, radiation hardened hardware and associated hardware and engineering units for these items are controlled by the State Department under the ITAR. A complete listing of items covered by the ITAR can be accessed at <http://gsfc-blunenun.gsfc.nasa.gov/export/regsitar.htm>. The export of information with respect to ground based sensors, detectors, high-speed computers, and national security and missile technology items are controlled by the U.S. Commerce Department under the EAR. If the information intended for release falls within the above categories but otherwise fits into one or more of the following exemptions, the information may be released.



GSFC STI PUBLIC DISCLOSURE EXPORT CONTROL CHECKLIST

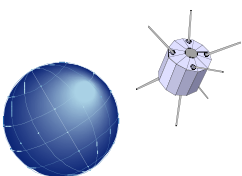


EXEMPTION I

If your information is already in the public domain in its entirety through a non-NASA medium and/or through NASA release previously approved by the Export Control Office, the information is exempt from further review. If the information falls into this category, you may attest that you are using this exemption by signing below.

Signature

Date



GSFC STI PUBLIC DISCLOSURE EXPORT CONTROL CHECKLIST

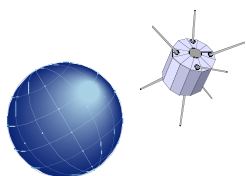


EXEMPTION II

If your information pertains exclusively to the release of scientific data, i.e., data pertaining to studies of clouds, soil, vegetation, oceans, and planets, without the disclosure of information pertaining to articles controlled by the ITAR or EAR, such as flight instruments, high speed computers, or launch vehicles, the information is exempt from further review. If the information falls into this category, you may attest that you are using this exemption by signing below.

Signature

Date



GSFC STI PUBLIC DISCLOSURE EXPORT CONTROL CHECKLIST

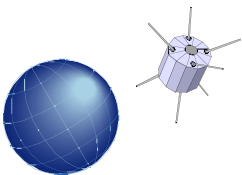


EXEMPTION III

If your information falls into the areas of concern as referenced above, but is offered at a general purpose or high level, i.e. poster briefs and overviews, where no specific information pertaining to ITAR or EAR controlled items is offered, the information is exempt from further review. If the information falls into this category, you may attest that you are using this exemption by signing below.

Signature

Date

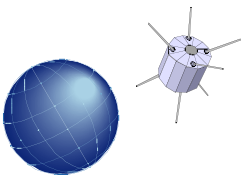


GSFC STI PUBLIC DISCLOSURE EXPORT CONTROL CHECKLIST



EXEMPTION IV

If your information is not satisfied by the three exemptions stated above, the information may be released using exemption 125.4(b)(13) of the ITAR. Use of this exemption is afforded only to agencies of the Federal Government and allows the release of ITAR controlled information into the public domain. The GSFC Export Control Office has determined that use of this exemption will be allowed only after receiving assurance that such release is a responsible action. The following internal guideline has been established regarding use of this authority: That the information does not offer specific insight into the design, development, production, or manufacture of an identified ITAR controlled item (reference paragraph 2, above) in sufficient detail (by itself or in conjunction with other publications) to allow potential adversaries to replicate the item or exploit or defeat controlled U.S. technologies.



GSFC STI PUBLIC DISCLOSURE EXPORT CONTROL CHECKLIST

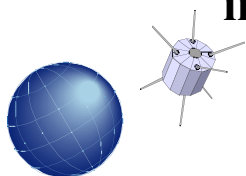


All signatures of approval on NASA Form 1676 expressly indicate concurrence with the responsible use of Exemption IV when Exemption IV has been cited by the author. If you determine that you have met this criteria, you may attest your determination by signing below, and the GSFC Export Control Office will offer favorable consideration toward approving your presentation/publication request under this special exemption.

Signature

Date

If you do not satisfy the above exemptions, please contact the GSFC Export Control Office for further clarification on the releasability of your information under the ITAR or EAR.





National
Aeronautics and
Space
Administration

NASA Scientific and Technical Document Availability Authorization (DAA)

The DAA approval process applies to all forms of published NASA Scientific and Technical Information (STI), whether disseminated in print or electronically. It is to be initiated by the responsible NASA Project Officer, Technical Monitor, author, or other appropriate NASA official for all presentations, reports, papers, and proceedings that contain NASA STI. Explanations are on the back of this form and are presented in greater detail in NPG 2200.2, "Guidelines for Documentation, Approval, and Dissemination of NASA Scientific and Technical Information."

☐ Original
☐ Modified

I. DOCUMENT/PROJECT IDENTIFICATION

TITLE		AUTHOR(S)	
ORIGINATING NASA ORGANIZATION		PERFORMING ORGANIZATION (If different)	
CONTRACT/GRANT/INTERAGENCY/PROJECT NUMBER(S)	DOCUMENT NUMBER(S)	DOCUMENT DATE	

For presentations, documents, or other STI to be externally published (including through electronic media), enter appropriate information on the intended publication such as name, place, and date of conference, periodical, or journal name, or book title and publisher in the next box. These documents must be routed to the NASA Headquarters or Center Export Control Administrator for approval (see Sections III and VIII).



II. SECURITY CLASSIFICATION

CHECK ONE (One of the five boxes denoting Security Classification must be checked.)

☐ SECRET ☐ SECRET RD ☐ CONFIDENTIAL ☐ CONFIDENTIAL RD ☐ UNCLASSIFIED

III. AVAILABILITY CATEGORY

<input type="checkbox"/> ITAR <input type="checkbox"/> EAR	Export Controlled Document - USML Category Classification Number (ECCN) (Documents marked in this block must have the concurrence/approval of the NASA Headquarters or Center Export Control Administrator (see Section VIII).)
<input type="checkbox"/> TRADE SECRET <input type="checkbox"/> SBIR <input type="checkbox"/> COPYRIGHTED	Confidential Commercial Document (check appropriate box at left and indicate below the appropriate limitation and expiration): <input type="checkbox"/> U.S. Government agencies and U.S. Government agency contractors only <input type="checkbox"/> NASA contractors and U.S. Government only <input type="checkbox"/> U.S. Government agencies only <input type="checkbox"/> NASA personnel and NASA contractors only <input type="checkbox"/> NASA personnel only <input type="checkbox"/> Available only with the approval of issuing office: <input type="checkbox"/> Limited until (date)
<input type="checkbox"/> PUBLICLY AVAILABLE	Publicly available documents must be unclassified, may not be export controlled, may not contain trade secret or confidential commercial data, and should have cleared any applicable patents application process.

IV. DOCUMENT DISCLOSING AN INVENTION

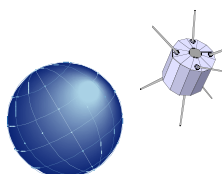
THIS DOCUMENT MAY BE RELEASED ON (date)	NASA HQ OR CENTER PATENT OR INTELLECTUAL PROPERTY COUNSEL SIGNATURE	DATE
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V. BLANKET RELEASE (OPTIONAL)

- ☐ All documents issued under the following contract/grant/project number may be processed as checked in Sections II and III.
- ☐ The blanket release authorization granted on (date)
- ☐ is RESCINDED - Future documents must have individual availability authorizations.
- ☐ is MODIFIED - Limitations for all documents processed in the STI system under the blanket release should be changed to conform to blocks as checked in Sections II and III.

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PLEASE CONTINUE ON REVERSE SIDE.





VI. AUTHOR/ORIGINATOR VERIFICATION			
I HAVE DETERMINED THAT THIS PUBLICATION:			
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<input type="checkbox"/> does NOT contain export controlled, confidential commercial information, nor does it disclose an invention for which a patent has been applied, and may be released as indicated above.			
NAME OF AUTHOR/ORIGINATOR	MAIL CODE	SIGNATURE	DATE
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NAME OF PROJECT OFFICER OR TECH. MONITOR	MAIL CODE	SIGNATURE	DATE
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<input type="checkbox"/> Public release is approved <input type="checkbox"/> Export controlled limitation is not applicable			
<input type="checkbox"/> Export controlled limitation is approved <input type="checkbox"/> Export controlled limitation (ITAR/EAR) marked in Section III is assigned to this document.			
USML CATEGORY NUMBER	ECL ECON NUMBER	HQ OR CENTER EXPORT CONTROL ADMINISTRATOR (as applicable)	DATE
IX. PROGRAM OFFICE OR DELEGATED AUTHORITY REVIEW			
<input type="checkbox"/> APPROVED FOR DISTRIBUTION AS MARKED ON REVERSE <input type="checkbox"/> NOT APPROVED			
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X. DISPOSITION			
THIS FORM, WHEN COMPLETED, IS TO BE SENT TO YOUR CENTER PUBLICATIONS OFFICE			

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Purpose. This DAA form is used to prescribe the availability and distribution of all NASA-generated and NASA-funded documents containing scientific and technical information (including those distributed via electronic media such as the World Wide Web and CD-ROM).

Requirements. The author/originator must provide either a suitable summary description (title, abstract, etc.) or a completed copy of the document with this form. This form is initiated by the document author/originator and that individual is responsible for recommending/determining the availability/distribution of the document. The author/originator completes Sections I through III, and VI. The author/originator is also responsible for obtaining information and signature in Section IV to the extent the document discloses an invention for which patent protection has been applied. Subsequent to completion of these sections, the author/originator forwards the document to the appropriate Project Manager/Technical Monitor/Division Chief for further review and approval in Section VII, including a re-review of the planned availability and distribution. Once this approval is obtained, the DAA is forwarded to the NASA Headquarters or Center Export Administrator for completion of Section VIII. It is then forwarded for completion of Section IX to the cognizant NASA Headquarters Program Office or Delegated Authority, who provides final review and approval for release of the document as marked.

When to Use This Form. Documents containing STI and intended for presentation or publication (including via electronic media) must be approved in accordance with the NASA STI Procedures and Guidelines (NPG 2200.2). Documents that are to be published in the NASA STI Report Series must be coordinated with the appropriate NASA Headquarters or Center Scientific and Technical Information Office in accordance with NPG 2200.2. Note that information on the Report Documentation Page (if attached) is not to be entered on the DAA except for title, document date, and contract number.

How to Use this Form. Specific guidelines for each section of this form are detailed below.

I. Document/Project Identification. Provide the information requested. If the document is classified, provide the classification of the title and abstract. (Classified information must not be entered on this form). Include RTOP numbers on the Confidential/Grant/Interagency/Project Number(s) line. Provide information on presentations or externally published documents as applicable.

II. Security Classification. Enter the applicable security classification for the document. Documents, if classified, will be available only to appropriately cleared personnel having a "need to know."

III. Availability Category for Unclassified Documents. Check the appropriate category or categories.

Export Controlled Document. If the document is subject to export restrictions (see NPG 2200.2, paragraph 4.5.3), the appropriate restriction must be checked, either International Traffic in Arms Regulations (ITAR) or Export Administration Regulations (EAR), and the appropriate United States Munitions List (USML) category or Commerce Control List (CCL), Export Control Classification Number (ECCN) must be cited.

Confidential Commercial Documents (documents containing Trade Secrets, SBIR documents, and/or Copyrighted Information). Check the applicable box (see NPG 2200.2 paragraph 4.5.7). When any of these boxes are checked, also indicate the appropriate limitation and expiration in the list to the right of these restrictions. These limitations refer to the user groups authorized to obtain the document. The limitations apply both to the initial distribution of the documents and the handling of requests for the documents. The limitations will appear on and apply to reproduced copies of the document. Documents limited to NASA personnel should not be made available to onsite contractors. If the Available Only With the Approval of Issuing Office limitation is checked, the NASA Center for Aerospace Information will provide only bibliographic processing and no initial distribution; CASI will refer all document requests to the issuing office.

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V. Blanket Release (Optional). Complete this optional section whenever subsequent documents produced under the contract, grant, or project are to be given the same distribution and/or availability as described in Sections II and III. More than one contract number or RTOP Number can be entered. This section may also be used to rescind or modify an earlier Blanket Release. All blanket releases must be approved by the Program Office or its designee and concurred with by the Office of Management Systems and Facilities.

VI. Author/Originator Verification. Required for all DAA forms.

VII. Project Officer/Technical Monitor/Division Chief Review. The Project Officer/Technical Monitor/Author or Originator Division Chief or above must sign and date the form. The office code and typed name should be entered.

VIII. Export Control Review/Confirmation. This section is to be completed by the authorized NASA Headquarters or Center Export Control Administrator for all documents.

IX. Program Office or Delegated Authority Review. This section is to be completed by the duly authorized official representing the NASA Headquarters Program Office. Any delegation from NASA Headquarters to a NASA Center in accordance with NPG 2200.2 should be entered here.

X. Disposition. For NASA Center use.

